

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

Denise Carlon, Esquire
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Attorneys for Secured Creditor
Bayview Loan Servicing, LLC

In Re:
Ambrose E. Gmeiner

Debtor.



Order Filed on February 13, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-12338 CMG

Adv. No.:

Hearing Date: 2/5/2020 @ 9:00 a.m..

Judge: Christine M. Gravelle

**ORDER CURING POST-PETITION ARREARS & RESOLVING MOTION FOR
RELIEF FROM STAY**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: February 13, 2020

A handwritten signature in cursive script, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtor: Ambrose E. Gmeiner

Case No: 19-12338 CMG

Caption of Order: ORDER CURING POST-PETITION ARREARS AND RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, Bayview Loan Servicing, LLC, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 3 Fieldcrest Court, Bayville, NJ, 08721, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Eugene D. Roth, Esquire, attorney for Debtors, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of January 30, 2020, Debtors are in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due March 2019 through January 2020 for a total post-petition default of \$24,234.65 (11 @ \$2,203.15); and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$24,234.65 shall be added to the affidavit of amount due and paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the Debtor shall file a modified plan within twenty days of this order; and

It is further **ORDERED, ADJUDGED and DECREED** that the property is to be sold by June 30, 2020; and

It is further **ORDERED, ADJUDGED and DECREED** that adequate protection payments of \$1,600.00 are to resume February 1, 2020, directly to Secured Creditor's servicer, Bayview Loan Servicing, LLC, 4425 Ponce de Leon Blvd, Coral Gables, FL 33146 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that the Secured Creditor does not waive the right to the difference between the adequate protection payments and the regular payments for the months the sale is pending; and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtors' Chapter 13 bankruptcy proceeding, if any of the cure payments, adequate protection payments, or regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

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Debtor: Ambrose E. Gmeiner

Case No: 19-12338 CMG

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It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New Jersey

In re:
Ambrose E. Gmeiner, II
Debtor

Case No. 19-12338-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 13, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 15, 2020.

db +Ambrose E. Gmeiner, II, 3 Fieldcrest Ct, Bayville, NJ 08721-2162

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 15, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 13, 2020 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor BAYVIEW LOAN SERVICING, LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Eugene D. Roth on behalf of Debtor Ambrose E. Gmeiner, II erothsq@gmail.com

John R. Morton, Jr. on behalf of Creditor Nissan Motor Acceptance Corporation, Servicer for Nissan-Infiniti LT ecfmail@mortoncraig.com, mortoncraigecf@gmail.com

Peter E. Meltzer on behalf of Creditor One Main Financial Group, LLC pmeltzer@wglaw.com, ibernatski@wglaw.com

Rebecca Ann Solarz on behalf of Creditor BAYVIEW LOAN SERVICING, LLC rsolarz@kmlawgroup.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8